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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DENNIS MONTGOMERY, an individual; and  
MONTGOMERY FAMILY TRUST, a California  
Trust,

Plaintiff,

vs.

ETREPPID TECHNOLOGIES, L.L.C., a Nevada  
Limited Liability Company; WARREN TREPP,  
an individual; DEPARTMENT OF DEFENSE of  
the UNITED STATES OF AMERICA, and  
DOES 1 through 10,

Defendants

\_\_\_\_\_  
AND RELATED CASE(S)

Case No. 3:06-CV-00056-BES-VPC  
**Base File**

3:06-cv-00145-PMP-VPC

**ETREPPID TECHNOLOGIES,  
L.L.C.'S AND WARREN TREPP'S  
MOTION TO CERTIFY  
JUDGMENTS**

1 eTreppid Technologies, L.L.C. (“eTreppid”) and Warren Trepp (“Mr. Trepp”) hereby file  
2 their Motion to Certify the judgments entered by the Court on December 11, 2008 [Docket Nos.  
3 897 and 898] so that they may register the judgments in other district courts where assets may be  
4 located. This Motion is supported by the following points and authorities, and all papers and  
5 pleadings filed herein.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I. Introduction.**

8 On December 11, 2008, this Court entered two judgments: one in favor of Warren Trepp  
9 [Docket No. 897] and one in favor of eTreppid Technologies, L.L.C. [Docket No. 898].  
10 Although the judgments have been entered in the U.S. District of Nevada, Mr. Trepp and  
11 eTreppid (collectively referred to as “eTreppid”) seek to register the judgments in other United  
12 States district courts (where assets that may be used to satisfy the judgments may be located). 28  
13 U.S.C. 1963 provides that a judgment that is entered by one United States district court may be  
14 registered in another United States district court by filing a certified copy of the judgment in the  
15 district court “when the judgment has become final by appeal or expiration of the time for appeal  
16 or when ordered by the court that entered the judgment for good cause shown.” Here, eTreppid  
17 should not be required to wait until the 30-day appeal period has expired. There is “good cause”  
18 for the Court to certify eTreppid’s judgments immediately, without waiting the 30-day appeal  
19 period because the judgments were entered pursuant to confessions of judgment from which no  
20 appeal would or should be taken and that will likely not be appealed and Edra Blixseth (“Ms.  
21 Blixseth”) has failed to provide the collateral required by the parties’ settlement agreement and  
22 the secured promissory notes. Indeed, Ms. Blixseth’s failure to provide the collateral provides  
23 reason to believe that the collateral may be lost or impaired and eTreppid should be permitted to  
24 register its judgments in other federal district courts as soon as possible. Accordingly, there is  
25 “good cause” to certify eTreppid’s judgments without waiting for the “time to appeal” to run and  
26 eTreppid respectfully requests that this motion be granted.

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1     **II.     Legal Argument.**

2             A.     Legal Standard.

3             28 U.S.C. 1963 provides as follows:

4             A judgment in an action for the recovery of money or property entered in any  
5             [district court] may be registered by filing a certified copy of the judgment in any  
6             other district . . . when the judgment has become final by appeal or expiration of  
7             the time for appeal or when ordered by the court that entered the judgment for  
8             good cause shown. . . [a] judgment so registered shall have the same effect as a  
9             judgment of the district court where registered and may be enforced in like  
10            manner.

11            A district court's decision to certify a judgment for registration is reviewed for an abuse  
12            of discretion. There is good cause to certify a judgment based "on an absence of assets in the  
13            judgment forum, coupled with the presence of substantial assets in the registration forum."  
14            *Columbia Pictures Television, Inc. v. Krypton Broadcasting of Birmingham, Inc.*, 259 F.3d 1186  
15            (9th Cir. 2001) (affirming the district court's order to certify judgment for registration in the  
16            district court where substantial assets were located).

17            B.     There is Good Cause to Certify eTreppid's Judgments Because the Judgments  
18                     Will Likely Not be Appealed and the Assets Are Likely in a Different Forum.

19            If the default provision of 28 U.S.C. 1963 is followed (*i.e.* requiring eTreppid to wait  
20            until the time for appeal has expired on January 12, 2009) before eTreppid is allowed to register  
21            its judgment in other jurisdictions, there is a high probability that eTreppid's rights will be  
22            impaired. Indeed, eTreppid is informed and believes that there is an absence of assets in the  
23            State of Nevada and that substantial assets are located in other forums. This is evidenced, at  
24            least in part, by the fact that none of the judgment debtors are citizens of the State of Nevada.  
25            *See Confessions of Judgment* [Docket Nos. 897, 898] at p. 1. Accordingly, eTreppid is entitled  
26            to register the judgments in other district court jurisdictions where assets may be located.  
27            Furthermore, eTreppid should be relieved from waiting the 30-day appeal period because the  
28            judgments were entered in accordance with the parties' settlement agreement and executed

1 confessions of judgment and will likely *not be appealed*.<sup>1</sup> This fact, coupled with the strong  
 2 likelihood that any assets that may be used to satisfy the judgments are likely located outside of  
 3 the State of Nevada provide "good cause" to allow eTreppid to proceed with certifying the  
 4 judgments for immediate registration in other district courts.

5 **III. Conclusion.**

6 For all of the foregoing reasons, eTreppid respectfully requests that its Motion to Certify  
 7 Judgments be granted.

8 Dated: December 15, 2008.

9  
 10 /s/

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 Cross-Defendant Warren Trepp*

<sup>1</sup> The fact that the judgment creditor desires to register the judgments before the expiration of the 30 day period does not deny the judgment debtors from taking an appeal. They still have the right to an appeal and can post a supersedeas bond to avoid execution and sale of assets.

**PROOF OF SERVICE**

I, Liz Ford, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Holland & Hart LLP. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action. I am readily familiar with Holland & Hart LLP's practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

On December 15, 2008, I caused the foregoing **ETREPPID TECHNOLOGIES, L.L.C.'S AND WARREN TREPP'S MOTION TO CERTIFY JUDGMENTS** to be:

  X   filed electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail addresses:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on December 15, 2008.

/s/ \_\_\_\_\_  
Liz Ford

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